

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

PHYLLIS DARLENE LIGON)
)
Plaintiff,)
)
v.) No. 3:08-CV-279
)
)(SHIRLEY)
HERSCHEND FAMILY ENTERTAINMENT)
CORPORATION, d/b/a DOLLYWOOD SPLASH)
COUNTRY,)
)
Defendant.)

MEMORANDUM AND ORDER

All further proceedings in this case, including entry of judgment, have been referred to the undersigned in accordance with 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties. [Doc. 5]. This case is before the undersigned on the Plaintiff's Motion to Amend Scheduling Order by Extending Remaining Deadlines and Continuing Trial filed on August 18, 2009 [Doc. 43]. The Defendant has no objection to this motion. The parties appeared before the undersigned for a scheduled hearing on the Defendant's pending Motion for Summary Judgment [Doc. 17] on August 27, 2009. At the hearing, the Court took up the Plaintiff's motion to extend remaining deadlines and continue the trial. Attorney Henry S. Queener was present on behalf of the Plaintiff, and Attorneys Daniel Gass and Alex Vogel appeared on behalf of the Defendant.

The Court finds that, pursuant to the agreement of the parties, the Plaintiff has shown good cause to amend the Scheduling Order [Doc. 11] entered on December 12, 2008 by extending certain deadlines and continuing the trial. Accordingly, the Court **GRANTS** the Plaintiff's motion [Doc.

43] and ORDERS:

- (1) Disclosure of any expert testimony in accordance with Fed. R. Civ. P. 26(a)(2) and the Scheduling Order [Doc. 11] was required by the Plaintiff on or before one hundred twenty (120) days before trial and by the Defendant on or before ninety (90) days before trial. Trial in this case was set for October 20, 2009. As such, the disclosure deadlines for both the Plaintiff and the Defendant have passed. Although the trial date is being continued, the deadline for the disclosure of expert testimony is not extended;
- (2) Joinder of parties was required in this case no later than one hundred and twenty (120) days before trial. As such, the deadline for joinder has passed and, although the trial date is being continued, this deadline is not extended;
- (3) All dispositive motions in the case under Fed. R. Civ. P. 12 and all motions for summary judgment pursuant to Fed. R. Civ. P. 56 were required to be filed in this case no later than ninety (90) days before trial. As such, the deadline for filing dispositive motions has passed and, although the trial date is being continued, this deadline is not extended;
- (4) All discovery in this case shall be completed by thirty (30) days before the new trial date of March 9, 2010;
- (5) Any motions seeking a Daubert hearing must be filed at least forty five (45) days before the new trial date of March 9, 2010 or they will be deemed waived;
- (6) Any motions *in limine* must be filed no later than five (5) working days before the new trial date of March 9, 2010;
- (7) Any special requests for jury instructions shall be submitted to the Court no later

than five (5) working days before the new trial date of March 9, 2010 and shall be supported by citations of authority pursuant to Local Rule 7.4;

(8) The parties shall file an agreed pretrial order according to the procedure and specifications set out in the Scheduling Order [Doc. 11] no later than **February 12, 2010**;

(9) The final pretrial conference is reset for **February 18, 2010, at 1:30 p.m.**;

(10) The trial of this matter is reset to commence on **March 9, 2010**;

(11) Aside from the amendments detailed above in paragraphs (1) through (10), the Scheduling Order [Doc. 11] still governs this case as originally entered.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge